

MAINE STATE HARNESS RACING COMMISSION  
MINUTES OF MEETING  
NOVEMBER 1, 2018

BURTON M. CROSS BUILDING, ROOM 208  
CAPITOL STREET, AUGUSTA, ME

Commission Members Present: Michael Timmons, Chair, William McFarland, and Michael Graham

Commission Members Absent: None

Staff Members Present: Ron Guay, AAG, Henry Jennings, Carol Gauthier, and Miles Greenleaf

1. **Call the Meeting to Order and Introductions:** Michael Timmons, Chair
2. **Review and Approval of Minutes**  
None.

**Annual Appointment of the Sire Stakes Advisory Committee:**

Maine State Harness Racing Commission Rule, Chapter 9, Section 1.1 provides that the Commission shall annually appoint a committee of advisors to assist in promoting the Sire Stakes program. The staff has compiled a list of persons who have expressed an interest in participating in the committee. Commissioner Timmons asked if there were any comments from the audience regarding the list. Ms. Perkins stated there is usually someone that represents the fairs. Kathryn Hunter stated that she would like to be added to the list. All three Commissioners agreed on the list with the addition of Ms. Hunter.

**3. Adjudicatory Hearings:**

1. **RE:** Pursuant to 8 M.R.S. § 275-D and 275-N and Commission Rule, Chapter 19, Section 4, the Commission will take testimony on the License Renewal Applications from the following Off-Track Betting Facilities for Calendar Year 2019:
  - a. Pioneer Gaming, LLC, Favorites OTB, Waterville
  - b. Pioneer Gaming, LLC, Sanford OTB, Sanford
  - c. Midcoast OTB, Inc., Winners OTB, Brunswick
  - d. LRI, Inc., Winners Circle, Lewiston

Commissioner McFarland made a motion to approve the finding of facts as presented. Commissioner Graham seconded. Vote 3-0.

2. **RE:** Pursuant to 8 M.R.S. § 271, § 275-N and Commission Rule Chapter 19, Section 4, the Commission will take testimony on the following applications for live racing license renewals for calendar year 2019:
  - a. Northern Maine Fair Association, Presque Isle; Fair Meet
  - b. Sagadahoc Agricultural & Horticultural Society, Topsham; Fair Meet
  - c. Skowhegan State Fair, Skowhegan; Fair Meet
  - d. Union Fair Society, Union; Fair Meet
  - e. Windsor Fair, Windsor; Fair Meet
  - f. Franklin County Agricultural Society; Farmington Fair, Farmington; Fair Meet
  - g. Cumberland Farmers Club, Cumberland Fair, Cumberland; Fair Meet and Extended Meet
  - h. West Oxford Agricultural Society; Fryeburg Fair, Fryeburg; Fair Meet
  - i. HC Bangor, LLC; Bangor Raceway; Commercial Meet
  - j. Davric Maine Corp.; Scarborough Downs, Scarborough; Commercial Meet

Northern Maine Fair withdrew their application prior to the hearing. Commissioner McFarland made a motion to adopt the finding of facts as presented by the hearing officer. Commissioner Graham seconded. Vote 3-0. Commissioner Graham made a motion that they grant the application for live racing to all the applicants. Commissioner McFarland seconded. Hearing Officer Mark Randlett stated for the purpose of the record they can vote on all of them at once but the Commission members that are abstaining with respect to their individual fairs are not voting on those fairs just with respect to the remaining fairs. Commissioner Timmons asked for a vote. Vote 3-0.

**3. RE: Full Card Simulcast Authorization:**

- a. HC Bangor, LLC d/b/a Bangor Raceway, Bangor
- b. Davric Maine Corp.; Scarborough Downs, Scarborough

Commissioner McFarland made a motion to approve the full card simulcast request for Davric Maine Corp. and HC Bangor LLC. Commissioner Graham seconded. Vote 3-0.

**4. RE:** Pursuant to 8 M.R.S. § 271 and MHRC Rule Chapter 19, Section 4, the Commission will take testimony on the request for Assignment of Race Dates for calendar year 2019 for the following applicants:

a. Northern Maine Fair Association; Fair Meet	5
b. Sagadahoc Agricultural & Horticultural Society; Topsham Fair, Fair Meet	5
c. Skowhegan State Fair, Fair Meet	7
d. Union Fair Society; Union Fair; Fair Meet	5
e. Windsor Fair; Fair Meet	9
f. Franklin County Agricultural Society; Farmington Fair; Fair Meet	7
g. Cumberland Farmers Club; Cumberland Fair; Fair Meet	7
h. Cumberland Farmers Club; Extend Meet	1
i. West Oxford Agricultural Society; Fryeburg Fair; Fair Meet	6
j. HC Bangor, LLC; Bangor Raceway; Commercial Meet	46
k. Davric Maine Corp.; Scarborough Downs; Commercial Meet	76

Northern Maine withdrew their application prior to the hearing. Commissioner McFarland stated that he would make the recommendation that based on all the information provided and the requested dates and time changes, that they approve Bangor's requests. Commissioner Graham seconded. Commissioner Timmons stated that it's been moved and seconded. Any further discussion? All those in favor? (All commission members raised their hands). Hearing Officer Randlett stated that the record will reflect that all commissioners voted by a vote of hand affirmatively to approve those dates as amended.

Commissioner McFarland stated regarding Scarborough Downs he would as far as the number of dashes, he would go along with whatever number that's proposed here in their presented document. Again, I guess it's better to have more than it is not to have enough. So, they've pretty much requested 12 through the month of March and April and a good part of May and then they cut back to 10. So, I would concur with what they have presented with respect to their schedule at this time. Commissioner Timmons stated that he is going to support the race dates for Scarborough. He asked for a vote. Hearing Officer Randlett stated that the vote on that motion is two to one, two in favor, one opposed (Commissioner Graham opposed). The two votes carry the motion.

AAG, Guay stated that he has an additional item that the Commission needs to vote on. The concept is when Sire Stakes is holding an event, that that does not count towards the dashes that have been awarded. Hearing Officer Randlett stated to the Commission if they would like to entertain a motion to that effect and consider that? Commissioner McFarland stated that he would entertain a motion that on days that the Sire Stakes are scheduled at an agricultural fair or a commercial track that one additional dash will be allowed. Commissioner Graham seconded. Commissioner Timmons stated that it's been moved and seconded. All those in favor? (All commission members raised their hands). Hearing Officer Randlett stated it was unanimous.

**5. RE:** Davric Main Corporation, DBA Scarborough Downs request for a conditional license.

Commissioner Graham made a motion that they accept all 12 findings of fact. Commissioner McFarland seconded. Vote 3-0. Hearing Officer Randlett stated that there are three paragraphs to the proposed order. He read the first part: The Commission hereby awards a license to Davric Maine Racing, LLC that will become effective upon the completion of the transaction; and that simultaneously the license issued to Davric Maine Corporation will be administratively revoked pursuant to 8 M.R.S., Section 271, Subsection 1. He asked for a motion and a second to adopt that part of the order. Commissioner McFarland made a motion they adopt the first part of the order as read. Commissioner Graham seconded. Commissioner Timmons asked for a vote. (All members raised their hands.) Hearing Officer Randlett read the second part of the order: Upon effective date of Davric Maine Racing, LLC new license, the Commission hereby assigns the race dates and the right to conduct full card simulcasting that's been awarded or that would be awarded to Davric Maine Corporation to Davric Maine Racing, LLC. Commissioner McFarland made a motion that they accept the second part as read. Commissioner Graham seconded. Commissioner Timmons stated it's been moved and seconded to accept it. All commission members voted by hand. Hearing Officer Randlett read the final part of the order: The above grant of license that you've just voted on is further conditioned upon Davric Maine Racing, LLC submitting an amended license application evidencing material continuity of existing operations, owners and assets devolving from Davric Maine Corporation. Commissioner McFarland made a motion that they accept the third part of the order as described. Commissioner Graham seconded. Commissioner Timmons stated that it's been moved and seconded. All those in favor? (All commission members raised their hands.) Hearing Officer Randlett stated that the record will reflect that all commission members have voted affirmatively to adopt that part of the order. So now you've adopted all the findings of fact, all of the provisions of the order with respect to this part of the proceeding.

**The transcript of the hearing for assignment of race days, license renewals, OTB's, and full card simulcast authorization is available at the Maine State Harness Racing Commission office.**

**3. Other Business:**

None.

**4. Date of Next Meeting:**

November 29, 2018

**5. Adjourn:**

3:30 p.m.